67

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, CJ.

Writ Petition No.3685 of 1999.

Petitioners

1) Raj Kumar Guruwara, S/o. Shri Ashcharijlal Guruwara, aged about 70 years, Proprietor – M/s. Ashwani Rajkumar Mining & Trading Company, Geedam Road, Jagdalpur (MP).

2) Sanjeev Kumar Guruwara, S/o. Shri Raj Kumar Guruwara, Proprietor – M/s. Shiv Shakti Roadways and M/s. Shiv Shakti Motors, Geedam Road, Jagdalpur (MP).

Vs.

Respondents

1) President, Sambhagiya Motor Kamgar Sangh, Jagdalpur, Distt. Bastar (MP).

2) Labour Court, Bastar District, Jagdalpur (MP).

Writ Petition under Articles 226/227 of the Constitution of India.

Present: None for the for the petitioners.
Shri M.D. Sharma, counsel for respondent No.1

ORAL ORDER
(Passed on 18th April, 2007)

The employer, namely, M/s. Ashwani Rajkumar Mining & Trading Company is the petitioner in this writ petition. The firm calls in question the correctness or otherwise of the order passed by the Labour Court in Case No.69/97 dated 22.06.1999. By the impugned order the Labour Court has rejected the request of the employer to permit him to engage the service of the legal practitioner.

(2) I have carefully perused the orders passed by the Labour Court and also provisions of Section 36 of I.D. Act. No doubt, discretion has been given to the Labour Court to permit or reject the request of the employee/employer being represented by a learned counsel. This discretion

has to be exercised in a most reasonable manner. In the instant case, after perusing the impugned order, I am of the opinion that the Labour Court without properly appreciating a reasonable request made by the employer has arbitrarily rejected the same. Therefore, the Impugned order cannot be sustained. Accordingly, the following :

ORDER

(i) The petition is allowed.

(ii) The impugned order passed by the Labour Court is quashed.

(iii) The Labour Court is directed to permit both the employer and the employee to engage the services of the legal practitioner and thereafter decide the *lis* between the parties, as expeditiously as possible at any rate within six months from the date of receipt of a copy of this order.

(iv) Order accordingly.

Sd/-
Chief Justice